

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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RICHARD STATLER, D.C., individually and
on behalf of all others similarly situated,

Plaintiff,

- against -

DELL, INC., a Delaware corporation,

Defendant.
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ORDER

CV 10-3798 (LDW) (AKT)

A. KATHLEEN TOMLINSON, Magistrate Judge:

The Court has reviewed the Motions for *pro hac vice* admission of Attorney Steve W. Berman [DE 2] and Attorney Robert F. Lopez [DE 3] as counsel for Defendant Dell, Inc. in this matter.

Motions for *pro hac vice* admission are governed by Rule 1.3(c) of the Local Civil Rules of the Eastern District of New York (“Rule 1.3(c)”). Rule 1.3(c) requires the Motion for *pro hac vice* admission to be accompanied by a Certificate of Good Standing from each state in which the applicant is a member of the bar and which has been issued within 30 days. The instant motions for *pro hac vice* admission of Attorney Berman and Attorney Lopez contain the requisite Certificate of Good Standing.

However, Rule 1.3(c) also requires that the Motion be made by an attorney already admitted to practice in the Eastern District of New York. “A motion to admit an attorney *pro hac vice*, like any other application for relief in this court, may only be made by an attorney who is herself already admitted, either as a member of the bar of this court or on a *pro hac vice* basis herself.” *Trustees of the Plumbers Local Union No. 1 Welfare Fund v. Richmond Plumbing &*

Heating Co., Inc., 2007 WL 2581722, at *2 (E.D.N.Y. Sept. 5, 2007) (citing Local Civil Rule 1.5(b)(6) (permitting the discipline of “[a]ny attorney not a member of the bar of this court [who] has appeared at the bar of this court without permission to do so”)); *see also Erbacci, Cerone & Moriarty, Ltd. v. United States*, 923 F. Supp. 482, 486 (S.D.N.Y. 1996) (“[T]he instant motion for admission *pro hac vice* is not properly before this Court because this motion was made by an attorney who is not admitted to practice before this Court.”).

Because the instant motions were made by Attorney Berman and Attorney Lopez, who are not admitted to practice in this District, the motions [DE 2, 3] are DENIED, without prejudice, and with the right to renew upon motion by an attorney admitted to practice in this District.

SO ORDERED.

Dated: Central Islip, New York
August 20, 2010

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge